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**MAILED**

**NOV 04 2010**

**OFFICE OF PETITIONS**

In re Application of	:	
Kajihara et al.	:	
Application No. 10/565,799	:	ON APPLICATION FOR
Filed: January 25, 2006	:	PATENT TERM ADJUSTMENT
Attorney Dkt No. 9778-3	:	
For: AMINATED COMPLEX-TYPE	:	
SUGAR CHAIN DERIVATIVES AND	:	
PROCESS FOR THE PRODUCTION	:	
THEREOF	:	

This is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT" filed August 4, 2010. Applicants dispute the 342 adjustment and contend the adjustment should be 345 days.

The application for patent term adjustment is Granted to the extent indicated.

On May 20, 2010, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 294 days. The instant application for patent term adjustment was timely filed on August 20, 2010.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is two hundred ninety-seven (297) days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

Applicants dispute the 342 day adjustment. Applicants contend an adjustment of 345 days is warranted based upon a fulfillment date of January 25, 2006. Applicants maintain that the requirements of 35 USC §371 (c) were met on January 25, 2006 and requested expedited examination pursuant to 35 USC 371 (f). Applicants contend a 345 day adjustment is required for failure

by the Office to mail at least one of the notifications under 35 U.S.C. 132 not later than fourteen months after the date on which the application fulfilled the requirements under 35 U.S.C. 371, pursuant to 37 CFR §1.702(a)(1).

The Office has considered applicants' argument and finds it persuasive that an adjustment is required. A restriction requirement was mailed on March 4, 2008, which is 14 months and 342 days after the application fulfilled the requirements of 35 U.S.C. 371 on January 28, 2006. Petitioner contends fulfillment of the application was met on January 25, 2006, as early commencement was requested. A review of the record shows that although the transmittal letter submitted on January 25, 2006 is not in the record, petitioner has provided a copy of the transmittal which shows early commencement was requested and a copy of a postcard receipt dated January 25, 2006.

In view thereof, the patent term adjustment at the time of the mailing of the notice of allowance is 297 days.

Applicants delay at the time of the mailing of the Notice of Allowance totals 48 (16 + 32) days. Office delays total 345 days.

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and **must** include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Charlema Grant at (571) 272-3215.



Anthony Knight  
Director  
Office of Petitions

Enclosure: Copy of REVISED PALM Screen



# Patent Term Adjustments



PTA/PTC Information **Patent Term Adjustment** Patent Term Extension

Application Number\*: **10565799** Search Explanation of PTA Calculation Explanation of PTE Calculation

## PTA Calculations for Application: 10565799

Application Filing Date	01/25/2006	Overlapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays	342
A Delays	342	PTO Manual Adjustment	3
B Delays	0	Applicant Delay (APPL)	48
C Delays	0	Total PTA (days)	297

\* - Sorted Column

## File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
72	11/03/2010		PD28	Adjustment of PTA Calculation by PTO	3	0	0
63	05/20/2010		MM/s	Mail Notice of Allowance		0	0
62	05/19/2010		IREV	Issue Revision Completed		0	0
61	05/19/2010		DVER	Document Verification		0	0
60	05/19/2010		N/s	Notice of Allowance Data Verification Completed		0	0
59	05/19/2010		DOCK	Case Docketed to Examiner In GAU		0	0
58	05/17/2010		EKA	Examiner's Amendment Communication		0	0
57	05/17/2010		CNTA	Notice of Allowability		0	0
56	05/15/2010		EXIN	Examiner Interview Summary Record (PTOL - 413)		0	0
55	04/19/2010		FWDX	Date Forwarded to Examiner		0	0
54	04/19/2010		A/NE	Amendment after Final Rejection		0	0
53	03/12/2010		PA..	Change In Power of Attorney (May Include Associate POA)		0	0
52	03/11/2010		CAD	Correspondence Address Change		0	0
51	03/09/2010		MCTFR	Mail Final Rejection (PTOL - 326)		0	0
50	03/09/2010		CTFR	Final Rejection		0	0
49	01/04/2010		FWDX	Date Forwarded to Examiner		0	0
48	11/23/2009	10/22/2009	A...	Response after Non-Final Action		32	45
47	11/23/2009		XT/G	Request for Extension of Time - Granted		0	0
45	07/23/2009		MCTNF	Mail Non-Final Rejection		0	0
44	07/20/2009		CTNF	Non-Final Rejection		0	0
43	05/09/2009		FWDX	Date Forwarded to Examiner		0	0
41	05/09/2009		FWDX	Date Forwarded to Examiner		0	0
39	05/09/2009		ABN9	Disposal for a RCE / CPA / R129		0	0
42	04/29/2009		AMSB	Amendment Submitted/Entered with Filing of CPA/RCE		0	0
40	04/29/2009		RCEX	Request for Continued Examination (RCE)		0	0
38	04/29/2009		BRCE	Workflow - Request for RCE - Begin		0	0
37	01/30/2009		MCTFR	Mail Final Rejection (PTOL - 326)		0	0
36	01/29/2009		CTFR	Final Rejection		0	0
35	01/26/2009		CADB	Correspondence Address Change		0	0
34	01/26/2009		CADB	Correspondence Address Change		0	0
33	11/20/2008		FWDX	Date Forwarded to Examiner		0	0
32	10/23/2008	10/07/2008	A...	Response after Non-Final Action		16	30
31	10/23/2008		XT/G	Request for Extension of Time - Granted		0	0
30	07/07/2008		MCTNF	Mail Non-Final Rejection		0	0
29	07/03/2008		CTNF	Non-Final Rejection		0	0
21	06/24/2008		DOCK	Case Docketed to Examiner In GAU		0	0
20	04/25/2008		FWDX	Date Forwarded to Examiner		0	0
19	04/04/2008		ELC	Response to Election / Restriction Filed		0	0
18	03/04/2008	03/28/2007	MCTRS	Mail Restriction Requirement		342	10
17	02/26/2008		CTRS	Requirement for Restriction / Election		0	0
16	10/11/2007		DOCK	Case Docketed to Examiner In GAU		0	0
15	03/15/2007		PG-ISSUE	PG-Pub Issue Notification		0	0
14	01/15/2007		TSSCOMP	IFW TSS Processing by Tech Center Complete		0	0
9	12/11/2006		WROIPE	Application Return from OIPE		0	0
8	12/11/2006		ROIPE	Application Return TO OIPE		0	0
6	12/11/2006		WROIPE	Application Return from OIPE		0	0
5	12/11/2006		ROIPE	Application Return TO OIPE		0	0
3	12/08/2006		OIPE	Application Dispatched from OIPE		0	0
24	07/06/2006		IDSC	Information Disclosure Statement considered		0	0
13.7	07/06/2006		H844	Information Disclosure Statement (IDS) Filed		0	0
13	07/06/2006		WIDS	Information Disclosure Statement (IDS) Filed		0	0
2	02/16/2006		L194	Cleared by OIPE CSR		0	0
10	01/28/2006		371COMP	371 Completion Date		0	0

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